

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

# Special Master Program Monitoring

July 19, 2024

LV, et al.,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

Prepared for

**Loretta A. Preska**

Senior United States District Judge

In 2007, the parties settled a class action lawsuit, resulting in a settlement which developed a governing document, the Stipulation, to measure compliance moving forward. The parties agreed to the Stipulation and an Independent Auditor has been in the role of measuring compliance.

When a special education hearing is held, an Impartial Hearing Officer overseeing the case can issue the decision that a service be provided or payment be made on behalf of the student. The NYC DOE then has 35 days to implement the order (unless otherwise specified), whether by making a payment and/or arranging the necessary service(s) for the student.

The DOE created an office, termed the Implementation Unit (IU), to manage the process by which these payments are authorized and services are arranged.

## Obligation #39

Every 120 days from the date of this Order [7/19/2023], the Special Master will file a report with the Court on the DOE's progress in implementing the obligations that have come due in the prior 120 days pursuant to this Order (the "Obligations").

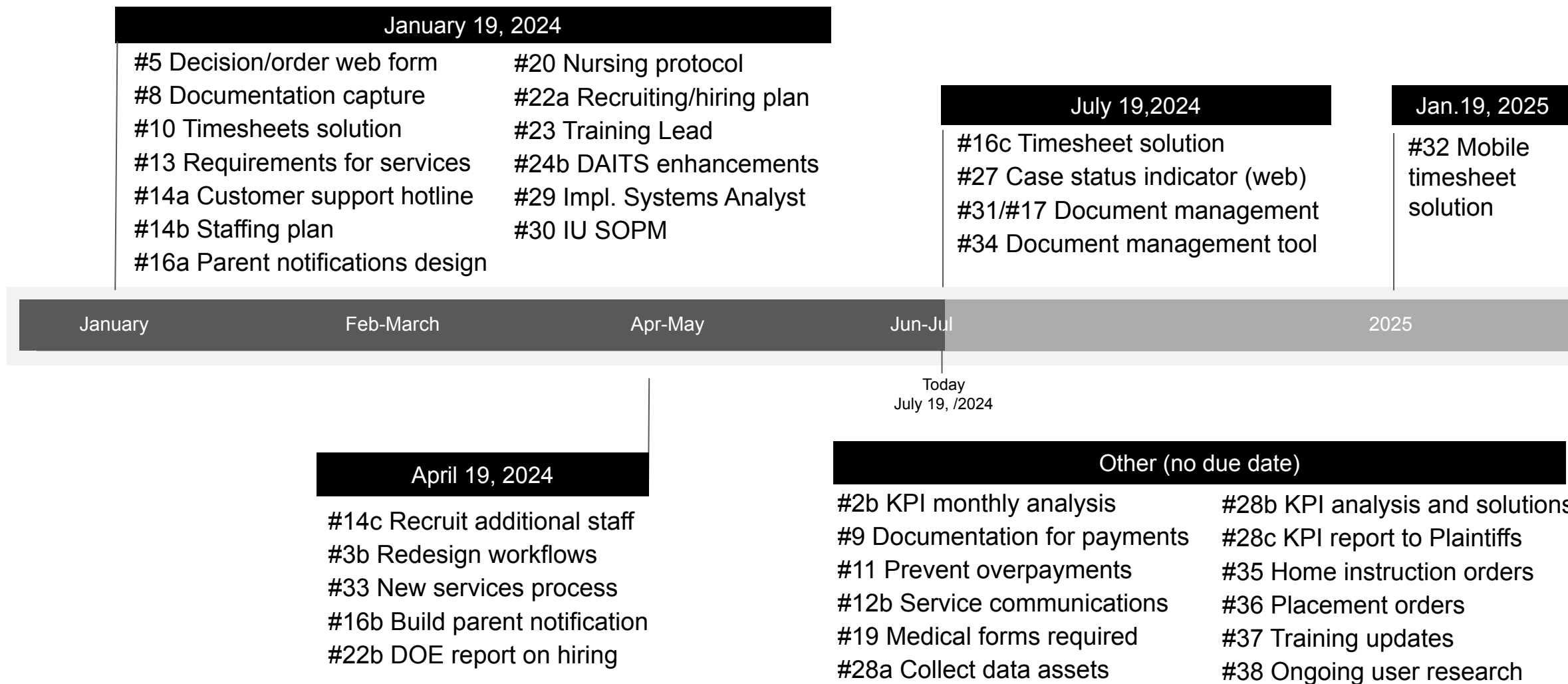
Each such report shall set forth (i) the Special Master's analysis as to whether each Obligation has been fulfilled; (ii) for any Obligation that the Special Master has concluded has been fulfilled, a detailed explanation of the basis for such conclusion; (iii) for any Obligation that has not been fulfilled, the impediments to fulfilling such Obligation, the measures necessary to overcome such impediments, and the timeframe for fulfilling the Obligation; (iv) for any Obligation that has not been fulfilled, a summary of the DOE's efforts to consult with Plaintiffs, the Special Master, or other relevant entities in order to fulfill the Obligation, or an explanation of good cause why no such consultation was held; (v) the next steps to be taken to fulfill the Obligations; and (vi) any additional recommendations of steps the DOE must take to meet the Stipulation's benchmarks, including but not limited to those identified as future recommendations in the Special Master's March 29, 2023 report. The DOE should provide all reasonable assistance to the Special Master in preparing this report, and Plaintiffs will be permitted to provide feedback.

# Contents

- 1. Executive Summary**
- 2. Obligations Fulfilled**
- 3. Obligations Not Yet Fulfilled**
- 4. Risks and Issues**
  - Appendix I: Independent Technology Assessment**
  - Appendix II: Obligations Fulfilled in Prior Reporting Periods**
  - Appendix III: Obligations Tentatively Fulfilled in Prior Reporting Periods**

# Executive Summary

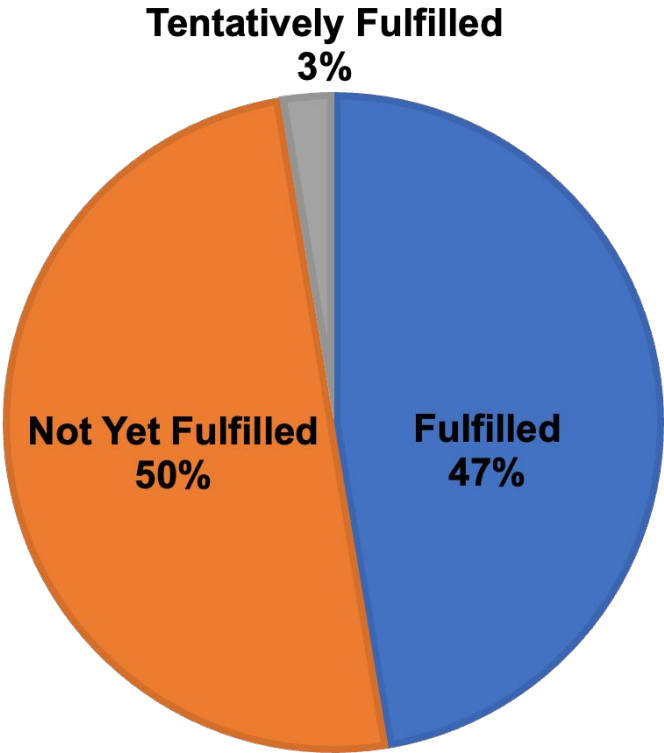
# Timeline of Obligations through 2024



# Progress Snapshot by Due Date

The below represents the count of obligations that were due at various points since the issuance of the Order, along with the status of their fulfillment.

| Obligation Due Date:  | Sept. 19, 2023 | Oct. 19, 2023 | Nov. 19, 2023 | Jan. 19, 2024 | Apr. 19, 2024 | Jul. 19, 2024 | Total |
|-----------------------|----------------|---------------|---------------|---------------|---------------|---------------|-------|
| Fulfilled             | 4              | 9             | 1             | 2             | 2             | 0             | 18    |
| Not Yet Fulfilled     | -              | -             | -             | 11            | 3             | 5             | 19    |
| Tentatively Fulfilled | -              | -             | -             | 1             | -             | -             | 1     |



# Key Takeaways

- Of the thirty-eight obligations due to date, DOE has fulfilled eighteen, or 47%, (as of 7/19/2024). In the period covered by this report, DOE fulfilled 4 of the obligations that were not fulfilled as of the filing of the second monitoring report filed on 3/19/2024.
- DOE is in the process of building capacity with 85+ new positions that have been posted online. There have been few hires to date.
- A customer support vendor has contracted with DOE (per obligation #14, due on 1/19/2024) and they are in the process of developing custom software that will be used by IU staff to support implementation. I have met with the vendor and though I am encouraged with their progress, I have questions about their approach that I have posed to DOE. DOE is planning two pilots this summer: one for parents/parent representatives, another for pro se parents.
- Though the list of fixes and enhancements to be made to DOE's DAITS system were one of the first obligations (#24a) fulfilled, DOE has made no progress building out any of those fixes and enhancements to date. I understand DOE has been taking steps to bring on resources beginning in August 2024.

# Key Takeaways

- As mentioned in my last report, to support and facilitate the design of the Impartial Hearing Officer's web form (obligation #5), I have been collaborating with the DOE, the New York State Education Department (NYSED) and NYC Office of Administrative Trials and Hearings (OATH). We are awaiting DOE to define and confirm the required form elements, business rules and share with Plaintiffs for feedback. I would ask DOE to re-prioritize this effort so that the outputs can be incorporated into the next phase of IHMS.
- Phase 1 in the deployment of the DOE's new Impartial Hearing Management System (IHMS) was to be completed by this July - DOE and IBM will not meet the July deadline. The system is in the user acceptance testing (UAT) stage for Phase 1 functionality. Hearing order implementation functionality, planned for Phase 2, is now scheduled for release in March 2025. There are many now overdue obligations dependent on the successful launch of IHMS.
- I continue to receive emails from providers, advocates and families around the reimbursements processes (discussed during the 5/30/2024 Court meeting) and look forward to DOE's plan for improving their communications/change management and the efficiency of the implementation unit's handling of the documentation.

# Obligations Fulfilled

## During This Reporting Period (3/19/24 - 7/19/24)

# Obligations Fulfilled

| Obl.# | Obligation                                                                                                                               | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------|------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 40    | Within four months, the DOE will identify a part-time resource (50%) focused on recruiting and hiring staff for the Implementation Unit. | 11/19/24 | <p>The DOE has identified a resource to fill this role, and I have interviewed DOE leadership as a formal acknowledgement of this placement and completion of the obligation. DOE leadership had previously shared an email confirming this resource appointment and the interview confirmed the role as fulfilled. I marked this obligation as fulfilled on 5/2/2024.</p> <p>I have requested that DOE provides periodic updates on the work streams they are leading. For the HR resource, a periodic update of the staffing table they have previously shared that includes updates on roles filled will suffice.</p> |

# Obligations Fulfilled

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                                        | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23    | The DOE will designate a dedicated resource to plan, develop, and deliver training materials for Implementation Unit and OGC staff and within six months of the date of this Order, create a training plan, develop materials, and deliver training pertinent to the implementation of orders. The DOE will update training materials to reflect changing policies and processes; | 1/19/24  | <p>The DOE has filled the role in April 2024 and provided me with the name in addition to training materials they developed for Implementation Liaisons. I interviewed DOE leadership as a formal acknowledgement of this placement and completion of the obligation. DOE leadership had previously shared an email confirming this resource appointment and the interview confirmed the role as fulfilled. I marked this obligation as fulfilled on 5/2/2024.</p> <p>For ongoing monitoring, I have requested that DOE also provide a periodic report that includes details such as types of trainings conducted and number of employees that attended trainings. Where appropriate, I have asked that DOE provide samples of training materials used (PowerPoint presentations, WeLearn usage/details, attendance records, training schedules, surveys, etc.). To date, the DOE has been sharing these materials with me on an ongoing basis.</p> |

# Obligations Fulfilled

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                         | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3b    | Within nine months of the date of this Order, the DOE will redesign the workflows and address key pain points around the implementation of payment orders and service orders. The DOE will document the improved processes and incorporate new workflows into trainings and communications with its staff, parents, parent attorneys and advocates, and providers; | 4/19/24  | <p>I marked this obligation as fulfilled on 5/29/2024 following DOE's submission of the "Beyond Access" training slides, which includes the documentation of improved processes. In doing so, they "incorporate new workflows into trainings..." The slides/training also points out what improvements have been made to certain processes. However, this obligation will continue to be monitored as additional improvements are made (specifically in reference to document uploads in #8b)</p> <p>I requested that DOE continue to share process improvements made and how they are incorporated into trainings.</p> |

# Obligations Fulfilled

| Obl.# | Obligation                                                                                                                     | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------|--------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14c   | and (c) within nine months of the date of this Order, fund and recruit all additional personnel required by the staffing plan; | 4/19/24  | <p>I have confirmed that funding has indeed been allocated for personnel specific to the LV Order. Additionally, the DOE shared a chart of hiring positions and job descriptions which shows significant efforts on the recruiting front and progress in filling roles, in alignment with obligation #14c. I have accepted this obligation and marked it fulfilled on 5/1/2024.</p> <p>I have requested that the DOE continue to send me updated hiring charts and progress updates as they continue to recruit additional personnel.</p> |

# Obligations Not Yet Fulfilled (due before 7/19/2024)

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                    | Obligation                                                                                                                                                        | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                               | Efforts to Consult with Plaintiffs or SM |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 33                                                                                                                                                                                       | Within nine months of the date of this Order, the DOE will launch the process of monitoring and coordinating service action items, as defined in paragraphs 14-16 | 4/19/2024     | This obligation first requires the development of an improved process to monitor and coordinate service action items as per obligation #13 – this obligation is not yet fulfilled. | None                                     |
| Steps to be Taken                                                                                                                                                                        |                                                                                                                                                                   |               | Special Master Recommendations                                                                                                                                                     | Timeframe to resolve                     |
| <ul style="list-style-type: none"> <li>- Develop the necessary process and documentation as per obligation #13</li> <li>- Plan for the launch of the process (e.g., training)</li> </ul> |                                                                                                                                                                   |               | Articulate the new process for monitoring service action items (obligation #13) and assess impacts                                                                                 | TBD                                      |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                                                                       | Obligation                                                                                                   | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                       | Efforts to Consult with Plaintiffs or SM                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 16b                                                                                                                                                                                                                                                                         | Within nine months of the date of this order, the DOE will build the notification function and begin testing | 4/19/2024     | The DOE has not designed the notification function as per obligation #16a, which is a dependency for this obligation (to build the notification function). | DOE sent us information to consider on 7/17 that has not yet been reviewed as of the writing of this report. |
| Steps to be Taken                                                                                                                                                                                                                                                           |                                                                                                              |               | Special Master Recommendations                                                                                                                             | Timeframe to resolve                                                                                         |
| <ul style="list-style-type: none"> <li>- Use ongoing requirements gathering efforts (BRDs) with IBM to define IHMS requirements to meet the notification function outlined in this obligation.</li> <li>- Conduct user acceptance testing with parents/advocates</li> </ul> |                                                                                                              |               | See steps                                                                                                                                                  | TBD                                                                                                          |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                   | Obligation                                                                                                                                                              | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                         | Efforts to Consult with Plaintiffs or SM                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22b                                                                                                                                                                                                                     | The DOE will report to the Court on a quarterly basis its progress on hiring, including the nature and impact of any impediments to the implementation of that strategy | 4/19/2024     | The DOE is in the process of hiring additional staff and has been providing me with certain updates but has not produced a hiring and recruiting strategy (#22a) or a report to the Court as specified here. | The DOE has been sharing updates on a bi-monthly basis with me via a hiring chart. DOE's HR Department has been cooperative in providing details around their processes, metrics, and policies for hiring. |
| Steps to be Taken                                                                                                                                                                                                       |                                                                                                                                                                         |               | Special Master Recommendations                                                                                                                                                                               | Timeframe to resolve                                                                                                                                                                                       |
| <ul style="list-style-type: none"> <li>- DOE to draft a quarterly report to the Court with its progress on hiring; none shared to date</li> <li>- DOE to share a draft of the quarterly report for my review</li> </ul> |                                                                                                                                                                         |               | See Steps                                                                                                                                                                                                    | August 2024                                                                                                                                                                                                |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                                 | Obligation                                                                                                                                                                                                                                                                                                                                            | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                                | Efforts to Consult with Plaintiffs or SM                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 20                                                                                                                                                                                                                                    | Within six months of the date of this Order, the DOE and the Office of School Health will modify any applicable procedures with nursing agencies to specify that postings and assignments for a nurse will remain open until an individual nurse has been formally assigned to a student rather than when the nursing agency has claimed the posting; | 1/19/2024     | DOE is coordinating with OSH. I am awaiting additional information from DOE/OSH, including an email string around the communication to the nursing agencies and a URL for the public-facing website they mentioned. | DOE provided me with an update on 5/13/2024 sharing their efforts to date. I have requested follow-up documentation. |
| Steps to be Taken                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                       |               | Special Master Recommendations                                                                                                                                                                                      | Timeframe to resolve                                                                                                 |
| <ul style="list-style-type: none"> <li>- DOE/IHO/OSH to provide copy of communications to health agencies</li> <li>- DOE to provide URL for public-facing website</li> <li>- SM to review the recently submitted Directory</li> </ul> |                                                                                                                                                                                                                                                                                                                                                       |               | See Steps                                                                                                                                                                                                           | July, 2024                                                                                                           |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                              | Obligation                                                                                                                                                                                                                                                                                             | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                            | Efforts to Consult with Plaintiffs or SM                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 14a                                                                                                                                                                | The DOE will (a) within six months of the date of this Order, deploy a customer support hotline and formal network structure for the Implementation Manager role to serve as the point-of-contact for the case and coordinate service action items across DOE offices, schools, attorneys and parents, | 1/19/2024     | - As mentioned in the key takeaways, the DOE has contracted with a customer support vendor, who is now building a web-based product for the IU. Rollout is currently scheduled for late Aug to early September. | The DOE and vendor provided a demo of the product being built on 6/6/2024. I submitted a series of questions to DOE following the demo. |
| Steps to be Taken                                                                                                                                                  |                                                                                                                                                                                                                                                                                                        |               | Special Master Recommendations                                                                                                                                                                                  | Timeframe to resolve                                                                                                                    |
| - I shared a list of questions from the demo with DOE on 6/17/2024 - next step is for DOE to respond, which will then likely require additional discussions/demos. |                                                                                                                                                                                                                                                                                                        |               | - See steps                                                                                                                                                                                                     | TBD                                                                                                                                     |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                                             | Obligation                                                                                                  | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                                                                                                      | Efforts to Consult with Plaintiffs or SM                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24b                                                                                                                                                                                                                                               | Within six months of the date of this order, the DOE will develop, test, and release the DAITS enhancements | 1/19/2024     | DOE indicated last year that they will be using negotiated services agreement to onboard resources to work on DAITS enhancements (see Appendix I). This still hasn't occurred.                                                                                                            | As I reported previously, my team conducted an independent review uncovering no single technical cause for the degradation of DAITS, other than neglect. This is a pattern that persists. |
| Steps to be Taken                                                                                                                                                                                                                                 |                                                                                                             |               | Special Master Recommendations                                                                                                                                                                                                                                                            | Timeframe to resolve                                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>- Onboard the technical resource(s), and provide them orientation to DAITS and list of DAITS fixes required (obligation #24a)</li> <li>- Finalize and approve the Negotiated Services Agreement</li> </ul> |                                                                                                             |               | I ask that DOE write a letter to the Court and myself (1) explaining in detail the issues DIIT is facing as they attempt to bring on the resource to do this work, and (2) provide a status update on the recent performance, quality, and error rates of DAITS compared to past periods. | July 2024                                                                                                                                                                                 |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                        | Obligation                                                                                                                                                                                                                | Orig.Due Date | Impediments and Measures to Overcome                                                                            | Efforts to Consult with Plaintiffs or SM                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22a                                                                                                                          | Within six months, the DOE will develop a recruitment and hiring strategy for new staff to meet the volume of backlogged orders that have not been implemented and orders as they are issued currently and in the future. | 1/19/2024     | Develop and share a recruiting strategy that include innovative measure to attract candidates.                  | DOE shared a table of job postings to support satisfying this obligation, however “a recruitment and hiring strategy” is what is required. DOE has also shared some recent steps taken to attend select local law school career fairs. |
| Steps to be Taken                                                                                                            |                                                                                                                                                                                                                           |               | Special Master Recommendations                                                                                  | Timeframe to resolve                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>- Identify resource to initiate drafting of recruiting and hiring strategy</li> </ul> |                                                                                                                                                                                                                           |               | Continue recruiting efforts, such as visiting career fairs, LinkedIn, or other innovative recruiting practices. | As soon as possible                                                                                                                                                                                                                    |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                                                                                                                               | Obligation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Orig.Due Date | Impediments and Measures to Overcome                                                                        | Efforts to Consult with Plaintiffs or SM                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5                                                                                                                                                                                                                                                                                                                                   | With endorsement from Plaintiffs, DOE, OATH and NYSED leadership, within six months of the date of this Order, the DOE will research and design a web-based interface for Impartial Hearing Officers to issue decisions and build the user-friendly web form for capturing orders ... allowing both common and uncommon relief to be ordered. The web-based interface must include the ability to capture the decision and order, both via structured input fields (e.g., a dropdown menu) and/or in writing (e.g., a free-form text field), with the full independence and discretion of the Hearing Officer; | 1/19/2024     | DOE staff's available time to develop the form fields and associated documentation                          | As mentioned in my last report, to support and facilitate the design of the Impartial Hearing Officer's web form, I have been collaborating with the DOE, the New York State Education Department (NYSED) and NYC Office of Administrative Trials and Hearings (OATH). I provided the DOE with a draft template of form fields which they are developing now. |
| Steps to be Taken                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               | Special Master Recommendations                                                                              | Timeframe to resolve                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>- DOE to define and confirm the required form elements and business rules.</li> <li>- DOE to respond to my form fields email sent on 4/11</li> <li>- Once we are aligned, DOE to plan for release of functionality</li> <li>- Share with Plaintiffs for feedback and endorsements</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               | I ask DOE to re-prioritize this effort so that the outputs can be incorporated into the next phase of IHMS. | August, 2024                                                                                                                                                                                                                                                                                                                                                  |

# Obligations Not Yet Fulfilled

| Obl.#                                                                              | Obligation                                                                                                                                                                                                                                                                                                                      | Orig.Due Date | Impediments and Measures to Overcome                                                                                              | Efforts to Consult with Plaintiffs or SM                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13                                                                                 | Within six months of the date of this Order, the DOE will define data and system requirements for monitoring incoming and tracking the ongoing implementation of orders comprised of service action items. Structured input by the hearing officer issuing the order should include deadline or due date types of input fields. | 1/19/2024     | This obligation is dependent on the fulfillment of obligation #8a before this work could begin, which has not yet been fulfilled. | DOE shared an email pointing me to the various sections of BRDs that contain some of this functionality. There are outstanding questions that I have submitted to DOE. DOE shared additional information on 7/17 regarding this obligation that has not yet been considered as of the writing of this report. |
| Steps to be Taken                                                                  |                                                                                                                                                                                                                                                                                                                                 |               | Special Master Recommendations                                                                                                    | Timeframe to resolve                                                                                                                                                                                                                                                                                          |
| - DOE to respond to Special Master feedback and questions shared via email on 3/25 |                                                                                                                                                                                                                                                                                                                                 |               | - See Steps                                                                                                                       | TBD pending #8a                                                                                                                                                                                                                                                                                               |

# Obligations Not Yet Fulfilled

| Obl.# | Obligation                                                                                                                                                                                                                                                                  | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                                                      | Efforts to Consult with Plaintiffs or SM                                                                |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 30    | Within six months of the date of this Order, the DOE will expand the LV Payment and Service Guidelines for Implementation Unit staff into an Operating Procedures Manual, and design and implement a professional development series on order implementation for DOE staff; | 1/19/2024     | Capacity to develop and write the Operating Procedures has been a challenge, however DOE shared a draft of this deliverable on 5/8/2024. I responded with feedback and questions on 5/21/2024 and am awaiting an updated version from DOE | DOE has shared a draft of the SOPM with me. I am awaiting revisions based on my feedback shared on 5/21 |

| Steps to be Taken                                                                                                                                                                                                                                                                                            | Special Master Recommendations | Timeframe to resolve |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------|
| <ul style="list-style-type: none"> <li>- DOE to revise first draft of the Operating Procedures Manual based on my feedback and share an updated version with me to review</li> <li>- DOE to provide rationale as to why the SOPM should be treated as confidential and not shared with Plaintiffs</li> </ul> | See Steps                      | August 2024          |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                             | Obligation                                                                                                                                               | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                               | Efforts to Consult with Plaintiffs or SM                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 10                                                                                                                                                                | The DOE will assess and implement a solution to support the submission and immediate approval of timesheets within six months of the date of this Order. | 1/19/2024     | The DOE has begun an effort to create a custom invoicing / timesheet system, termed 'Polaris' for service providers. The system is currently planned for release in November 2024. | The DOE and the vendor for Polaris have consulted my team to assess technical viability of Polaris as a solution. |
| Steps to be Taken                                                                                                                                                 |                                                                                                                                                          |               | Special Master Recommendations                                                                                                                                                     | Timeframe to resolve                                                                                              |
| <ul style="list-style-type: none"> <li>- DOE/DIIT Polaris team gathering requirements from IU</li> <li>- DOE/DIIT Polaris team to develop the solution</li> </ul> |                                                                                                                                                          |               | I suggest DOE/DIIT estimate the time and resources to test and roll out Polaris for Implementation, in concert with IHMS.                                                          | November 2024                                                                                                     |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                                                                                                      | Obligation                                                                                                                                                                                                                                                                                                                                                        | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                                                                                                                                                                                | Efforts to Consult with Plaintiffs or SM                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8a                                                                                                                                                                                                                                                                                                         | Within six months of the date of this Order, the DOE will design a process by which the DOE can collect relevant implementation documentation from parents and guardians, parent representatives, and providers before the hearing; the DOE will conduct user research with parents to design a web-based and offline data collection process to facilitate this. | 1/19/2024     | After further review of this obligation, I have decided to break it into two distinct parts: #8a and #8b. The first part is focused on designing a process, while the second part focuses on modifications to policies and technologies. This change has been communicated to DOE, and I am revisiting the documents DOE shared on 3/15 related to this obligation. | DOE shared BRD documents with me on 3/15 in addition to a Nagarro Customer Service Hotline Project Plan on 5/23. I will be providing additional guidance on outputs required to fulfill this deliverable. |
| Steps to be Taken                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                   |               | Special Master Recommendations                                                                                                                                                                                                                                                                                                                                      | Timeframe to resolve                                                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>- DOE to conduct “user research with parents” and draft “a process” by which to collect relevant documentation.</li> <li>- Special Master to provide additional output guidance for both parts #8a and #8b</li> <li>- Share with Plaintiffs for feedback</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                   |               | See Steps                                                                                                                                                                                                                                                                                                                                                           | August 2024                                                                                                                                                                                               |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                                                                                                                                                                       | Obligation                                                                                                                                          | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                                                                                                                                                                                                                  | Efforts to Consult with Plaintiffs or SM                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 8b                                                                                                                                                                                                                                                                                                                          | The DOE will modify any necessary policies or technologies to allow parents to submit payment documentation as multiple files or different formats; | 1/19/2024     | (Same as 8A on the previous page) After further review of this obligation, I have decided to break it into two distinct parts: #8a and #8b. The first part is focused on designing a process, while the second part focuses on modifications to policies and technologies. This change has been communicated to DOE, and I am revisiting the documents DOE shared on 3/15 related to this obligation. | We have not discussed the policies that must be modified, but I am aware that IHMS is being designed to accept multiple files/formats. |
| Steps to be Taken                                                                                                                                                                                                                                                                                                           |                                                                                                                                                     |               | Special Master Recommendations                                                                                                                                                                                                                                                                                                                                                                        | Timeframe to resolve                                                                                                                   |
| <ul style="list-style-type: none"> <li>- DOE to document policies and technology modifications</li> <li>- Special Master to provide additional output guidance for both parts #8a and #8b</li> <li>- DOE to update policies and procedures (as reflected in the HUYH Guide) to be compliant with this obligation</li> </ul> |                                                                                                                                                     |               | See Steps                                                                                                                                                                                                                                                                                                                                                                                             | September 2024                                                                                                                         |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                        | Obligation                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                              | Efforts to Consult with Plaintiffs or SM                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 16a                                                                                                                                                          | Within six months of the date of this Order, the DOE will design an automated service to generate emails to parents, attorneys and advocates, and providers at key milestones in the administrative workflow of the implementation of an order, such as when an Implementation Manager unpacks the hearing order, when a service provider has been identified, when a payment action item has been authorized, and when the payment has been sent to the parent or provider. | 1/19/2024     | DOE has, in comments to my previous report, pointed me to specific BRDs that relate to this process. However, I have not received any communications outside of those comments shared on 3/15/24. | DOE shared information on 7/17 regarding this obligation that has not yet been considered as of the writing of this report. |
| Steps to be Taken                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |               | Special Master Recommendations                                                                                                                                                                    | Timeframe to resolve                                                                                                        |
| - DOE to draft the requirements/content of “an automated service to generate emails to parents, attorneys and advocates, and providers at key milestones...” |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |               | See Steps                                                                                                                                                                                         | As soon as possible (overdue)                                                                                               |

# Obligations Not Yet Fulfilled

| Obl.#             | Obligation                                                                                                   | Orig.Due Date                  | Impediments and Measures to Overcome                                                                                                                                                                                                           | Efforts to Consult with Plaintiffs or SM |
|-------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 16b               | Within nine months of the date of this order, the DOE will build the notification function and begin testing | 4/19/2024                      | This obligation is dependent on the design of the notification service (#16a, previous slide). The origin of this obligation stemmed from the type of capability that DAITS already has. This is a missed opportunity at a near-term solution. | None                                     |
| Steps to be Taken |                                                                                                              | Special Master Recommendations |                                                                                                                                                                                                                                                | Timeframe to resolve                     |
| - See #16a        |                                                                                                              | See #16a                       |                                                                                                                                                                                                                                                | As soon as possible (overdue)            |

# Obligations Not Yet Fulfilled

| Obl.#               | Obligation                                                                                                                                                                                                                                             | Orig.Due Date                  | Impediments and Measures to Overcome                                                                                                          | Efforts to Consult with Plaintiffs or SM |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 16c                 | Within twelve months the DOE will deploy the function publicly; (regarding 16a and 16b “an automated service generates emails to parents, attorneys, advocates, and providers at key points in the administrative workflow” and “notification system”) | 7/19/2024                      | This obligation is dependent on the design and testing of the notification service (obligations #16a and #16b) which have not been fulfilled. | None                                     |
| Steps to be Taken   |                                                                                                                                                                                                                                                        | Special Master Recommendations |                                                                                                                                               | Timeframe to resolve                     |
| - See #16a and #16b |                                                                                                                                                                                                                                                        | - See #16a and #16b            |                                                                                                                                               | TBD                                      |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                       | Obligation                                                                                                                                                                                        | Orig.Due Date | Impediments and Measures to Overcome                                                           | Efforts to Consult with Plaintiffs or SM                                                                                               |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 27                                                                                          | Within one year of the date of this Order, the DOE will develop and deploy an accessible status indicator (web-based) for parents to easily view their case's status in the due process workflow; | 7/19/2024     | IHMS build is behind schedule, however this functionality will be included in the IHMS system. | DOE has indicated that they have a BRD related to this and will share it with our team, however to date we have not received this BRD. |
| Steps to be Taken                                                                           |                                                                                                                                                                                                   |               | Special Master Recommendations                                                                 | Timeframe to resolve                                                                                                                   |
| - DOE to share BRD and point us to the sections that specifically relate to this obligation |                                                                                                                                                                                                   |               | - see steps                                                                                    | TBD                                                                                                                                    |

# Obligations Not Yet Fulfilled

| Obl.#                                                 | Obligation                                                                                                                                                                                                                                                                                                                                                                                 | Orig.Due Date                  | Impediments and Measures to Overcome                                                           | Efforts to Consult with Plaintiffs or SM                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17                                                    | <p>Within three months of the date of this Order, the DOE will share common documentation among the internal DOE units that are involved in addressing due process complaints and the implementation of impartial hearing orders, and such other units as the Special Master may determine;</p> <p>Note: this obligation was deferred from 10/19/24 to be combined with obligation #31</p> | 7/19/2024                      | IHMS build is behind schedule, however this functionality will be included in the IHMS system. | DOE has pointed me to various BRDs on 6/24 related to this obligation, which I am reviewing. This obligation was originally due 10/19/2024 and I made the decision to subsume it into obligation #31. While I am still tracking both obligations separately, they are closely related. To be considered fulfilled, I will need to see a system demo and confirm the functionality. |
| Steps to be Taken                                     |                                                                                                                                                                                                                                                                                                                                                                                            | Special Master Recommendations |                                                                                                | Timeframe to resolve                                                                                                                                                                                                                                                                                                                                                               |
| - Once system is ready, DOE to demo the functionality |                                                                                                                                                                                                                                                                                                                                                                                            | - See steps                    |                                                                                                | TBD                                                                                                                                                                                                                                                                                                                                                                                |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                       | Obligation                                                                                                                                                                                                                                                                                                                                                        | Orig.Due Date | Impediments and Measures to Overcome                                                           | Efforts to Consult with Plaintiffs or SM                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 31                                                                                                                                                          | Within twelve months of the date of this Order, the DOE will centralize the collection, submission and sharing of pertinent documents among the DOE's impartial hearing representatives and Implementation Unit on a single platform. The DOE will establish a process by which documentation from families is captured by the DOE representative at the hearing; | 7/19/2024     | IHMS build is behind schedule, however this functionality will be included in the IHMS system. | See notes on previous slides regarding obligation #17 - these are closely related. |
| Steps to be Taken                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                   |               | Special Master Recommendations                                                                 | Timeframe to resolve                                                               |
| <ul style="list-style-type: none"> <li>- DOE to share relevant BRDs/documentation</li> <li>- Once system is ready, DOE to demo the functionality</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                   |               | - See steps                                                                                    | TBD                                                                                |

# Obligations Not Yet Fulfilled

| Obl.#                                                                                                                                                                     | Obligation                                                                                                                                                                                                                                 | Orig.Due Date | Impediments and Measures to Overcome                                                                                                                                                                             | Efforts to Consult with Plaintiffs or SM |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 34                                                                                                                                                                        | Within one year of the date of this Order, the DOE will build the necessary document management functionality into the new special education data system to share documents across special education processes, as defined in paragraph 17 | 7/19/2024     | SEDMS, DOE's new special education solution is behind schedule, however this functionality will be included in the SEDMS system. SEDMS will also need to be integrated with IHMS, which is also behind schedule. | None                                     |
| Steps to be Taken                                                                                                                                                         |                                                                                                                                                                                                                                            |               | Special Master Recommendations                                                                                                                                                                                   | Timeframe to resolve                     |
| <ul style="list-style-type: none"> <li>- DOE to share relevant BRDs/documentation</li> <li>- Once systems (SEDMS/IHMS are ready, DOE to demo the functionality</li> </ul> |                                                                                                                                                                                                                                            |               | - See steps                                                                                                                                                                                                      | TBD                                      |

# Risks and Issues

## **Definitions for this report**

A risk is a problem that might occur if action is not taken.

An issue is a problem that is impacting stakeholders right now.

# Issues / Delays

| ID  | Issue                                                                               | Status | Owner                            | Update                                                                                                                                                                                                                                     | Issue Due Date |
|-----|-------------------------------------------------------------------------------------|--------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| i-1 | The Impartial Hearing Management System (IHMS) deployment faces delays in roll out. | Active | Intekhab Shakil, DOE CIO         | The roll out of Phase 1 of IHMS is currently delayed and will miss its July deadline. Phase 2 of IHMS, which contains much of the IU's/implementation functionality, is now planned for release in March 2025.                             | March 2025     |
| i-2 | DOE OGC staff are overburdened with other competing priorities.                     | Active | Liz Vladeck, DOE General Counsel | DOE business staff will require more time to (a) create test cases, (b) execute UAT, and (c) sign off on Phase 2 BRDs. Fulfilling some of the current open roles will help to free the time of the current IU team to support these tasks. | TBD            |

# Issues / Performance

| ID  | Issue                                                                                                                  | Status | Owner                    | Update                                                                                                                                                                                                                                                       | Issue Due Date |
|-----|------------------------------------------------------------------------------------------------------------------------|--------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| i-3 | DAITS, the Implementation Unit's system of record, is increasingly deteriorating in its performance, (regular outages) | Active | Intekhab Shakil, DOE CIO | In January 2024, DIIT agreed to pursue onboarding a vendor to perform necessary fixes to perform root cause analysis of performance issues and work to stabilize the DAITS application. As of the writing of this updated, no resources have been onboarded. | August 2024    |

# Risks / IHMS Integrations

| ID  | Risk                                                         | Status | Owner                    | Update                                                                                                                                                                                                                                                                                        | Risk Due Date |
|-----|--------------------------------------------------------------|--------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| r-2 | IHMS systems integrations plans are unclear to stakeholders. | Active | Intekhab Shakil, DOE CIO | The IBM team is in the process of building out the necessary integrations and has encountered delays stemming from DIIT's mandate that they implement the DPoP protocol for security across all environments. The work to map data from integrated source to target (IHMS) remains uncertain. | TBD           |

# Risks / On-premise hosting

| ID  | Risk                                                                                                                                                             | Status | Owner                    | Update                                                                                                                                                                                                                                                                                                                                                                                                                                      | Risk Due Date |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| r-4 | Hosting IHMS on the DOE network infrastructure (as opposed to cloud) will result in the same performance issues affecting existing DOE applications, like DAITS. | New    | Intekhab Shakil, DOE CIO | The IHMS application is hosted in the DOE data center and all server environments associated with the application are installed and operated by DIIT. The project has encountered some delays due to new requirements from DIIT and outages on the environments that support user acceptance testing. Closer collaboration between DIIT infrastructure and IBM as well as stated Service Levels for remediation of issues will be required. | TBD           |

# Risks / Other

| ID  | Risk                                                                                                                                                                                                         | Status | Owner                        | Update                                                                                                                                                                                                                                                                                                                                                                                                                      | Risk Due Date |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| r-3 | User Research firm has rolled off the IHMS project. Several obligations are dependent on user research.                                                                                                      | Active | Intekhab Shakil, DOE CIO     | There is no plan for a resource to perform user research. I request DOE describe how they intend to fulfill obligations #5, #8, #28 and #32.                                                                                                                                                                                                                                                                                | TBD           |
| r-5 | External communications to stakeholders regarding process changes (i.e., who can reach out to the IU, change to payment responsibilities) continue to frustrate and/or confuse providers/advocates/families. | New    | Liz Vladeck, General Counsel | The Implementation Unit issues numerous communications throughout the year to stakeholder groups and conducts individual outreach attempts, engaging directly with the community. The IU should consider developing a strategic communications plan for messaging across due process stakeholders. Nagarro may help to support communications efforts as their team is being onboarded to provide customer service support. | TBD           |

# Appendix I: Independent Technology Assessment

# Background and Approach

- Of the 40 LV Order Obligations being monitored by the Special Master, 19 obligations have a specific dependency on technology solutions utilized by the DOE.
- As noted in earlier progress reports, many of the improvements and optimizations of new processes will rest on the success of the technology solutions in place and being developed. To assess the viability of the technology applications, Beacon Consulting Partners (BCP) conducted an independent assessment on three (3) applications that are key to the fulfillment of the LV Order Obligations, specifically Impartial Hearing Management System (IHMS), Nagarro ServiceNow, Decision Action Item Tracking System (DAITS) and Polaris Timesheet application.
- BCP used an evidenced-based approach consisting of reviewing available project documentation and artifacts, conducting interviews and observing standing meetings to create their assessment.

# Executive Summary

An initial assessment of the technology used by the Implementation Unit (IU) was conducted as a part of the Special Master's mandate in January 2024 to determine if the DOE's technology and application development initiatives will be able to support the mandates of the LV Orders. This report is an update of the findings from the January 2024 assessment.

Each of the technology initiatives involves a custom-built application hosted in the DOE data center. In each initiative there have been delays, primarily from resource constraints in business and DIIT for defining or testing required processes. Given the delays there are major concerns that all of the initiatives will be close to going live around the same time that will cause potential disruption to existing processes.

While there is progress being made, the technology initiatives will continue to be delayed without further resourcing for review and testing. It is our opinion the applications will ultimately fulfill the LV Orders, but they will not be completed in the timeframes that outlined in the Court order.

# IHMS Key Takeaways

## Can the IHMS implementation be successful?

**Yes** – we continue to believe that the overall technical architecture approaches for IHMS are viable. However, there are issues that will continue to delay the deployment of this application beyond the original schedule and well into mid-2025.

## What are biggest source of deployment delays?

The IHMS project has been delayed due to a combination of inconsistent project management, a lack of business resources and expectation setting around testing activities. The team needed additional time to assemble testers and test cases.

## When will IHMS be deployed?

Once Phase 1 is fully tested, it could be put into production for tracking DPCs and TDNs once UAT is completed hopefully by the end of July 2024. Going live in the Fall would lessen the dependency on the development of Phase 2 and allow users to refine their enhancement requests of Phase 1 functionality. If the business opts for a “big bang” approach (rolling out Phase 1 and 2 together) there is the likelihood that no functionality would be available until mid-2025.

# IHMS Assessment: IHMS Project Scoring

IHMS' Beacon Score has remained steady since the last assessment— with some improvements in design difficulty.

## Factors affecting Clarity Score

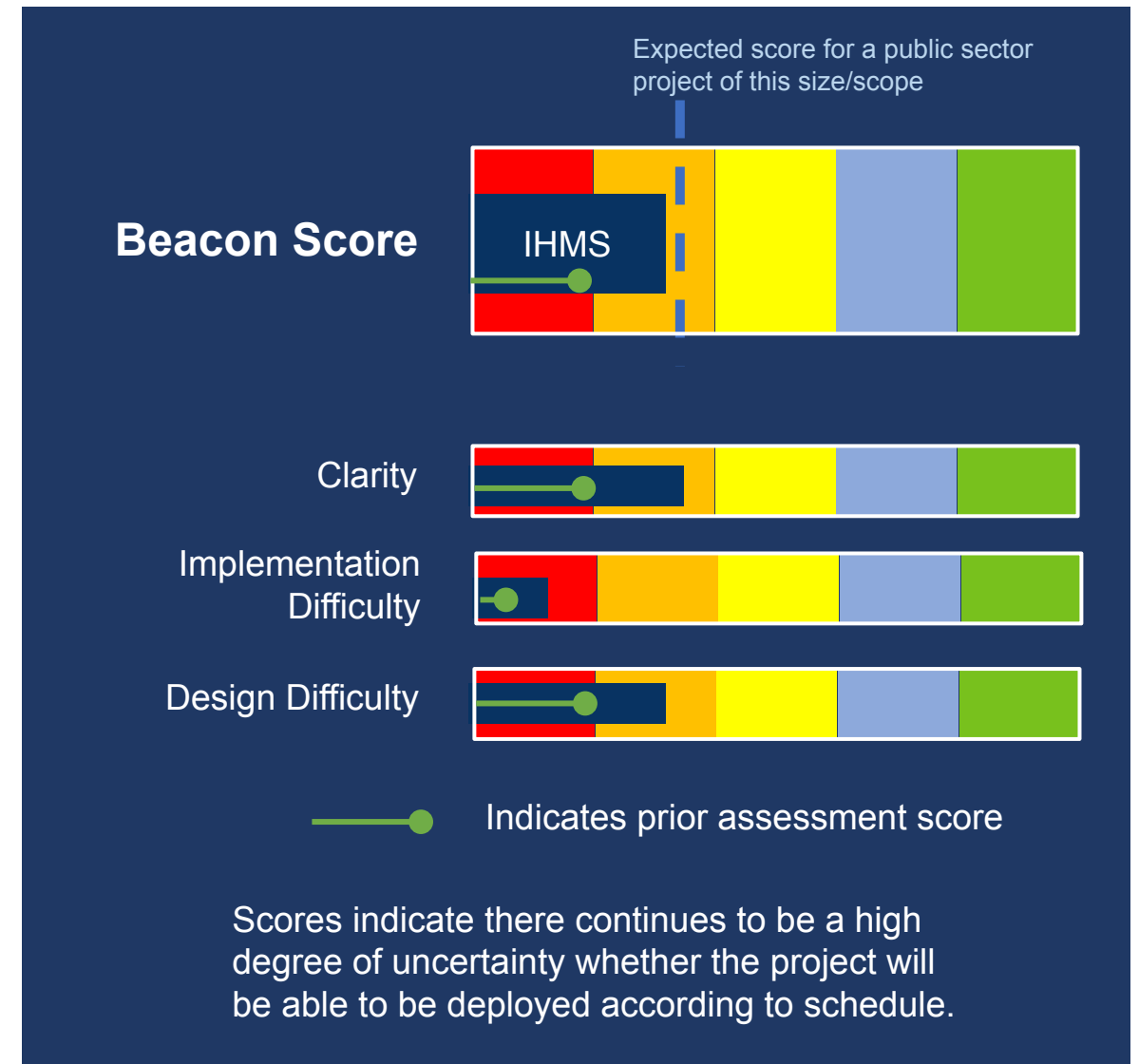
- There has been inconsistent reporting on reporting what is ready for testing, and whether and data validation testing has been completed

## Factors affecting Design Difficulty Score

- There have been few defects related to the architecture but there is little evidence to support the success of data mapping and migration

## Factors affecting Implementation Difficulty Score

- There is a risk that the change order for IBM to complete Phase 2 may not be approved in time
- UAT for Phase 1 has taken much longer than expected due to lack of testing resources and a higher testing effort than originally anticipated



# IHMS Previously Reported Findings (1/2)

| Metric            | Previous Finding                                                                                                                                         | Recommendation                                                                              | Current Status                                                                                                                                                                                                                                                                 | Progress |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Clarity           | The project has no clear chain of command within the project team                                                                                        | Assign project roles to ensure better coordination between business, DIIT and IBM           | Ron Prescott has taken a lead sponsor role as a point of escalation which has helped project coordination immensely                                                                                                                                                            |          |
| Clarity           | Project management processes are lacking for a project of this size                                                                                      | Enforce an adherence to project controls                                                    | While there has been some improvement in testing documentation, there needs to be more visibility into the processes and adherence to timelines                                                                                                                                |          |
| Design Difficulty | There are concerns about the detail of how integrations will be developed                                                                                | Define and document the detail surrounding how IBM will perform integration                 | The team's work with the API gateway has worked well to establish connections, but until the data is fully tested, it will not be fully known if the transformations are successful                                                                                            |          |
| Design Difficulty | IHMS Test Plan and Test Strategy are too high level and do not provide detail into early-stage development testing to be completed by IBM and/or by DIIT | Update the IHMS Test Plan with more specific detail around all planned tests and activities | Testing documentation has been updated and there is more visibility into UAT testing, however more time is required for business to complete UAT and specifically validation of migrated data, as well as a more detailed understanding of the early-stage testing done by IBM |          |

## Legend

|                   |               |             |
|-------------------|---------------|-------------|
| Positive Progress | Some Progress | No Progress |
|-------------------|---------------|-------------|

# IHMS Previously Reported Findings (2/2)

| Metric                    | Previous Finding                                                                                                                                                              | Recommendation                                                                                                                                                        | Current Status                                                                                                                                                                                                                          | Progress |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Implementation Difficulty | The IHMS application is hosted in the DOE data center and all server environments associated with the application are installed and operated by DIIT which can lead to delays | Minimize the risk of using DOE infrastructure through the development of a Proof of Concept (POC) to test and validate how successfully IHMS will run on DOE servers. | DIIT and IBM were able to remediate earlier environmental issues, but there needs to be tighter coordination between IBM and the DIIT infrastructure team to ensure there are no issues with the environments that could lead to delays |          |
| Implementation Difficulty | There has been no evidence of planning for how DIIT will support and maintenance of Phase 1 functionality as IBM develops Phases 2 and 3                                      | Establish application management processes for support and maintenance of IHMS                                                                                        | N/A – Current plans are for Phase 1 to go live with Phase 2, but questions remain about how Phase 1 enhancement requests will be handled and/or whether Phase 1 code will be frozen                                                     |          |
| Implementation Difficulty | There has been no evidence of Organizational Change Management (OCM)                                                                                                          | Assign an Organizational Change Management (OCM) lead to coordinate UAT and change management activities                                                              | OCM activities would have helped set expectations for more timely execution of UAT and helped organize the team for validating migrated data from legacy applications                                                                   |          |

## Legend

|                   |               |             |
|-------------------|---------------|-------------|
| Positive Progress | Some Progress | No Progress |
|-------------------|---------------|-------------|

# New Finding Affecting Clarity: #C1

While overall program management has improved, there continues to be some inconsistencies including reporting on functionality that is ready for testing or whether development is truly complete, when data validation activities are required and how other initiatives' dependencies affect timelines.

This finding was evidenced by:

- Observed differences between reported development completion in meetings vs UAT feature tracker and UAT testing progress.
- Lack of visibility into data mapping and data migration artifacts and testing
- Lack of clarity on whether business is prepared to validate data migrated from legacy systems

## Recommendation #C1

Ensure visibility of project activities to business and DIIT including:

- Providing an overall schedule of all projects with dependencies on IHMS (e.g. SEDMS, ESB modernization, etc.)
- Providing more detail around data preparation and migration activities
- Sharing IBM's Plans for testing in lower environments with the business to help prepare for UAT
- Sharing

# Finding Affecting Implementation Difficulty: #I1

Early UAT of IHMS is pointing to few technical defects, but demos conducted for Phase 1 are uncovering issues with business analysis and usability. Feedback from sessions are making it clear that Business Requirement Documents (BRDs) alone cannot capture all the necessary detail for the complex processes in use and there have been a number of possible enhancements identified.

This finding was evidenced by:

- Iteration Demo sessions
- Lack of OCM activities
- Not enough SMEs committed to testing / schedule density

## Recommendation #I1

For Phase 2 there is an opportunity to do more preparation with the business teams during BRD reviews to identify any changes and lay the groundwork for writing UAT test cases and prepare the team for more efficient testing. For Phase 2 functionality the team should:

- Use wireframes and demos whenever possible rather than only have written BRD reviews
- Perform more demos of smaller feature sets earlier in the process whenever possible
- Have UAT done completed earlier in the build process
- Ensure there is a larger team of SME testers
- Allocate testers for data validation early in the development cycle

# DAITS: Key Takeaways

## DAITS performance issues have continued

DAITS performance and reliability issues span multiple technical areas including database performance, integration with FAMIS and bugs in the current code base. There continue to be no dedicated technical resources supporting or maintaining the application and as a result there continues to be poor performance experienced by its users.

## There are no DIIT resources to work on DAITS issues

It has taken longer than expected to onboard resources with the requisite .NET and MS SQL experience to review the application for root causes of instability. DIIT expects to have resources onsite by August 2024.

## DIIT should monitor DAITS performance

The new Nagarro Customer Support application will utilize DAITS data to provide customer support to parents, parents' representatives, independent providers/agencies in the implementation of impartial hearing orders. Copying the DAITS data into the Data as a Platform (DaaP) may cause further disruption to the DAITS application.

# DAITS: Recommendations

Once resources are onboarded (DIIT or contracted resources), they will need to perform basic application reviews to diagnose the root cause of technical problems with DAITS/IHF including:

- Analyze DAITS/IHF application and integration logs for patterns, errors and trends
- Collect and analyze user-reported errors and issues from the IU MS Teams channel; transition to formal incident reporting system
- Perform database profiling for DAITS/IHF Microsoft SQL Server to locate source of issue
- Develop a plan to improve performance and log steps taken in DOE's development tool (e.g. Azure DevOps)
- Perform a joint prioritization of remediation activities with the OGC/IU and develop a timeline and resource requirements for these remediation activities.

# Polaris: Key Takeaways

- In January 2024, an initial assessment of Polaris was made based solely on stakeholder interviews, no documentation was provided, and a full technical assessment was not performed. The technical approaches as described by the team seemed feasible.
- Polaris Phase 1 is slated to go live in November 2024, around the same time that the IU team will be providing requirements for Phase 2 of IHMS, implementing the Nagarro Customer Support Solution and performing DAITS fixes.
- Given converging timelines there will need to be tight coordination of activities to ensure the success of this initiative.

# **Polaris: Recommendations**

## **Polaris will need to integrate with DAITS for Phase 1**

In Phase 1, Polaris will only make payments that have authorizations in IHF/DAITS which will necessitate an integration with the DAITS application. Given the current state of DAITS and the performance issues, there is concern that this new integration could cause issues with the Polaris roll out.

## **Polaris timelines will converge with other initiatives**

With Phase 1 slated to go live in November, there are concerns that the IU team will be further stretched by concurrent initiatives such as providing requirements for IHMS Phase 2 and rolling out the Nagarro Customer Support Solution.

## **Polaris represents another custom-built application**

Because newly custom-built applications typically undergo a period of initial stabilization when newly deployed, there is a concern that DIIT will not be able to properly support and maintain the application. IU stakeholders should expect initial periods of performance issues and software defects until stabilized.

# Appendix II: Obligations Fulfilled in Prior Reporting Periods

# Obligations Fulfilled

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14b   | (b) within six months of the date of this Order, design a plan for additional staffing within the Implementation Unit,                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1/19/24  | The DOE has shown recent progress in recruiting multiple personnel for the IU. Initially, the development of a staffing plan and the creation of job descriptions were delayed due to budget restraints. Following the Mayor/OMB budget approval, the DOE has since shared job descriptions and staffing plan with Special Master, leading to the fulfillment of the obligation.                                                                                                                                                                                                                                                                                      |
| 12    | (a) Within two months of the date of this Order, the Implementation Unit will assign resources to flag incoming orders deemed high priority, as the DOE and Plaintiffs agree upon the term “high-priority.” The Implementation Unit will triage and route orders accordingly. The DOE should consult and obtain feedback from Plaintiffs on what orders should be deemed “high priority.” Should the DOE and Plaintiffs fail to agree on what orders should be deemed “high priority,” the Special Master will advise the Parties and/or raise the issue with the Court for determination | 9/19/23  | After extensive discussions with NYSED, OATH, DOE, and Plaintiffs regarding high priority category #7 on evaluations, a consensus on the specific criteria for evaluations and IHO flagging guidance was not reached. To avoid delaying the flagging process for the other agreed on five categories, I have removed category #7 from the high priority list. OATH is currently revising their guidance for IHOs, which will be shared with NYSED to ensure uniformity in flagging high-priority cases. Plaintiffs have requested the reinstatement of category #7, which I will consider after reviewing progress of flagging and prioritizing high priority orders. |

# Obligations Fulfilled (continued)

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                                                 | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 26    | Within three months of the date of this Order, the Special Master and the DOE will identify the types of action items that require the greatest levels of effort to process as well as those most likely to contribute to the backlog of hearing order implementation. Based on the analysis, the DOE will develop solutions to remove the causes for the backlog attributable to the DOE; | 10/19/23 | The DOE was able to identify 60+ pain points in obligation #3, and drafted corresponding potential solutions. The themes included staff, process, and communications. As obligation #26 calls for DOE to develop solutions to the issues, I asked DOE to envision a series of projects to solve the three problems (staff, process, and communications). I provided a template of a high-level project plan for DOE to outline the objectives, activities, timeframe, etc. of each project (3). DOE responded with a document outlining a plan for each project in a format I found acceptable. I consider these three new projects as additional items to monitor – future reports to the Court will include status updates. |
| 7     | Within three months of the date of this Order, the DOE will identify a file-sharing process and tool to improve transparency of all documentation presented as evidence at the hearing so that all pertinent documents can be continually accessed by the Implementation Unit;                                                                                                             | 10/19/23 | The DOE identified its upcoming Impartial Hearing Management System (IHMS) as the solution for document management in due process. A business requirements document (BRD) was developed by the IHMS team around document management functions. I determined it fulfills the obligation to identify a solution.                                                                                                                                                                                                                                                                                                                                                                                                                |

# Obligations Fulfilled (continued)

| Obl.# | Obligation                                                                                                                                                                                                                                                                                   | Due Date  | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24(a) | (a) Within 45 days of the date of this Order, the Special Master and DOE will inventory all functional issues of DAITS that impede the hearing order implementation workflow, including but not limited to system crashes, system outages, and system timeouts, and prioritize enhancements. | 9/4/2023  | In August, Implementation Unit (IU) staff developed an initial list of enhancements needed to DAITS (.xls), which was then prioritized by the IU as critical or nice to have. DOE and SM discussed the contents and finalized the list; (IBM responded with how IHMS will address the needs). Once signed off, DOE DIIT has since used the list to begin estimating the level of effort to deliver the fixes and is gathering more detailed requirements.                                                          |
|       | (b) Within six months of the date of this Order, the DOE will develop, test, and release the DAITS enhancements;                                                                                                                                                                             |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3     | Within two months of the date of this Order, the Special Master will identify by type of Action Item the key pain points around the implementation of payment orders and service orders.                                                                                                     | 9/19/2023 | Using the list of all possible action item types (e.g., tuition reimbursement, PT), the DOE documented the key issues in the process of implementation (.xls), respectively. The DOE also supplied a general sense of the volume and level of effort to implement each action item type. I held discussions with IU to understand the pain points and added my assessment of the root causes. Plaintiffs provided their feedback on the analysis,(several points of feedback will be addressed by obligation #26). |

# Obligations Fulfilled (continued)

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Due Date   | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 21    | Within two months of the date of this Order, the DOE will formalize, designate, and confirm a liaison role in OPT, with an escalation path, to coordinate the implementation of transportation orders between the Implementation Unit, OPT, and OSH as applicable. The DOE will improve communications and track implementation of impartial hearing orders requiring transportation and provide monthly status updates to parents on the implementation of such orders, except where DOE is not in compliance with a transportation | 9/19/2023  | The DOE produced a “chart” (.doc) of Implementation Liaisons for OPT and OSH with escalation points, coordination protocols between offices, and procedures for implementing transportation orders. I reviewed the document and provided feedback, as did Plaintiffs, and DOE incorporated the comments into a new version which was finalized, (but will be updated in the future, as applicable).                                                                                                                                                                                                                                                                                             |
| 1     | Within three months of the date of this Order, the DOE will develop a customer support plan, including people and tools, for the Implementation Unit to address questions from parents and providers, routing Tier II questions to Implementation Unit Implementation Managers;                                                                                                                                                                                                                                                      | 10/19/2023 | I provided a template (.doc) of a customer support plan to DOE incorporating standard elements of such a plan (cross-industry) in outline form. DOE then developed a draft Customer Support Plan (.doc) from the template, detailing intended audience groups, outline of a support hotline and its objectives, training for hotline staff, and metrics to evaluate the effectiveness of the program going forward. I provided feedback which DOE incorporated into a final version. (The subsequent obligation is #14.) Plaintiffs currently have this document, however are awaiting the appendices items (which are other obligations that have not yet been fulfilled) to provide feedback. |

# Obligations Fulfilled (continued)

| Obl.# | Obligation                                                                                                                                                                                                                                                              | Due Date   | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2     | Within three months of the date of this Order, the Special Master and DOE will identify the Key Performance Indicators (“KPIs”) for monitoring the internal administrative workflows of the Implementation Unit. KPIs will be presented to the Plaintiffs for feedback. | 10/19/2023 | DOE developed a list in table form (.xls) of metrics that could inform the day-to-day performance and decision-making of the Implementation Unit, (i.e., KPIs). I reviewed the file and suggested a number of additional attributes to characterize the KPI, which was incorporated. The list has also been reviewed by Plaintiffs who made suggestions of additional metrics. The DOE should now be developing more detailed requirements (e.g., calculation formulas, suggested by Plaintiffs) to gather the data and report on the respective metrics. (The subsequent obligation is #28.) |
| 18    | Within three months of the date of this Order, the DOE Implementation Unit will develop and communicate a clear procedure to inform schools and CSEs that an IEP meeting has been ordered and to ensure that the IEP was updated pursuant to that order;                | 10/19/2023 | DOE submitted a draft of a procedures document, “Protocols for Communicating Orders for IEP Meetings,” for which I provided suggestions to improve the contents of the document, to be more clear, expand in areas, etc. DOE addressed the feedback and provided an updated version of the protocol document, which I accepted.                                                                                                                                                                                                                                                               |

# Obligations Fulfilled (continued)

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Due Date   | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6     | Within three months of the date of this Order, the DOE will formalize an approach to sustaining knowledge of implementation processes, to enable experienced staff to onboard, train and mentor more junior staff;                                                                                                                                                                                                                                                                                                                                   | 10/19/2023 | My team shared a template of a professional learning plan deliverable in advance of the work. The DOE developed a <i>Professional Learning Plan</i> and submitted it in late October, which I reviewed and provided feedback, and eventually I accepted. The plan includes, among other things,                                                                                                                                                                       |
| 15    | Within three months of the date of this Order, the DOE will formally designate Implementation Liaisons in all Districts and relevant Central offices (e.g., OPT, OSH, OSE) to act as points-of-contact in their respective areas for Implementation Managers to facilitate the arrangement of the ordered service(s). The DOE will also establish an escalation process when an Implementation Liaison is unavailable or unable to resolve a particular issue, with the escalation role being in an executive role within the respective DOE office; | 10/19/2023 | DOE developed an <i>Implementation Liaison Directory and Escalation Protocol</i> document (.pdf), which designates Implementation Liaisons for all relevant DOE offices and districts, and defines a protocol when that office does not address the order in a timely manner (i.e. escalation protocol). I provided feedback, as did Plaintiffs, which DOE addressed. An updated version of the protocol document was submitted back to me, reviewed, and I accepted. |

# Obligations Fulfilled (continued)

| Obl.# | Obligation                                                                                                                                                                                                                                                                                                                                                              | Due Date   | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4     | Within three months of the date of this Order, the DOE will build and maintain a toolkit of existing assistive technology, schools, programs, and services that the DOE can Timely Implement (as defined in the Stipulation) any Action Items for provision of assistive technology;                                                                                    | 10/19/2023 | The DOE compiled a spreadsheet of assistive technology (AT) products from those that are readily available for DOE to quickly identify or procure for the student ("Timely Implement"). I reviewed the various categories and asked that DOE document how it will maintain the toolkit going forward, which DOE did. There is an open question as to the component of the obligation addressing "schools, programs, and services."                                                                                                                                                                                   |
| 25    | Within three months of the date of this Order, the DOE will assign an additional team of Implementation Unit Staff to expedite the implementation of any hearing order that is more than 35 days past the date of the hearing order. This team will continue its work until such time as orders are consistently being implemented within the implementation deadlines; | 10/19/2023 | The DOE documented a "Backlog Triage Plan" (.doc) to describe the procedures the additional team will perform in expediting orders 35+ days old. The plan includes documentation of a workflow, staffing plan, operational plan, data reporting and dependencies. Dependencies include resources/funding for the additional team, and as per other notes in this report, the budget is pending request to OMB at the time of this writing. That is why I have tentatively accepted this obligation, with the agreement that we continue to monitor the identification of the team members and launch of the process. |

# Appendix III: Obligations Tentatively Fulfilled in Prior Reporting Periods

# Obligations Tentatively Fulfilled

| Obl.# | Obligation                                                                                                                                                                                                                                                         | Due Date | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 29    | Within six months of the date of this Order, the DOE will add the role of Implementation Systems Analyst to the Due Process Systems and Analytics Office to maintain documentation of workflows and continue the process of streamlining implementation processes; | 1/19/24  | <p>The DOE has indicated that a candidate has been identified for this role and the offer is awaiting OMB approval to move forward</p> <p>As of previous report on 3/19/2024: Previously, the DOE indicated that funding constraints prevented filling this role. However, following the allocation of funding for this position, the DOE has publicly posted this role. I will consider this obligation fulfilled once the position is filled.</p> |

# Future Schedule of These Reports

| Report # | Draft Submitted to Parties | Parties' Feedback Due (If Any) | Report Submitted to the Court |
|----------|----------------------------|--------------------------------|-------------------------------|
| 4        | 11/7/2024                  | 11/14/2024                     | 11/19/2024                    |
| 5        | 3/7/2025                   | 3/14/2025                      | 3/19/2025                     |
| 6        | 7/9/2025                   | 7/16/2025                      | 7/21/2025                     |

# Contact

David Irwin  
Special Master to the Court (*LV v. DOE*)  
david@thru.co  
(646) 489-7078